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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,492	10/27/2003	Michael Shane Rinks	201 - F1	4296

7590

06/05/2006

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EXAMINER

FREJD, RUSSELL WARREN

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,492	<b>Applicant(s)</b> RINKS ET AL.	
	<b>Examiner</b> Russell Frejd	<b>Art Unit</b> 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-13, 15-17, 22, 23, 25-27, 30, 32, 35, 38, 48 and 49 is/are rejected.
- 7) ☒ Claim(s) 7-9, 14, 18-21, 24, 28, 29, 31, 33, 34, 36, 37 and 39-47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11.2.04</u> . | 6) <input type="checkbox"/> Other: _____  |

In re Application of: Rinks et al.

***Examination of Application #10/694,492***

1. Claims 1-49 of application 10/694,492, filed on 27-October-2003, are presented for examination.

***Specification Objections***

2. The disclosure is objected to because of the following informalities:  
The phrase "relational database" [p. 2, l. 8] is understood to mean "a relational database."

***Claim Rejections under 35 U.S.C. § 112, 2nd Paragraph***

3. Claims 13, 15, 16, 17, 22, 23, 26, 27, 30, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, specifically using the following terms:

In regard to claims 13, 15, 16, 22, 23, 26, 27, 30 and 35, the term "substantially".

In regard to claim 17, the term "suitable".

***Claim Rejections under 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**In re Application of: Rinks et al.**

**4.1** Claims 1-6, 10-12, 15, 16, 25, 32, 38, 48 and 49 are rejected under 35 U.S.C. 102(a) as being anticipated by Ito, USP 6,826,516.

Ito disclosed the invention as claimed, including: in claims 1 and 49, a computer-implemented method for determining a set of materials for constructing a wood frame building [col. 1, Ins. 25-42]; selecting a plurality of parameters for the wood frame building [col. 4, Ins. 12-36]; accessing a database having information about a set of raw and finished goods [col. 4, Ins. 24-33]; determining the set of materials based on the plurality of parameters for the wood frame building and the information about the set of raw and finished goods [col. 8, Ins. 7-20]; and displaying the set of materials [col. 2, Ins. 26].

In claim 2, wall, roof and building opening parameters [col. 4, Ins. 45-49].

In claim 3, displaying a visual model of one aspect of the building [col. 5, Ins. 37-44].

In claim 4, displaying dimensions of the model [col. 4, Ins. 51-62].

In claims 5 and 6, selecting a material layer for the walls and roof [col. 4, Ins. 24-25].

In claim 10, selecting height, width, and length of the building [col. 51-58].

In claim 11, parameters for trusses [col. 4, ln. 25 (roof material) and col. 1, ln.17 (roof trusses)].

In claim 12, foundation parameters [col. 8, ln. 17].

In claims 15 and 16, alternative numeric dimensions [col. 4, Ins. 58-62], and alternative materials [col. 7, Ins. 40-50].

In claim 25, location, height, and width of an overhead door (building opening parameters [col. 4, Ins. 45-49].

In claim 32, the cost of trusses [col. 8, Ins. 9-11].

In re Application of: Rinks et al.

In claim 38, displaying the truss loading parameters [col. 6, Ins. 25-29].

In claim 48, selecting goods from the set of raw and finished goods according to a predetermined preference order [col. 4, Ins. 23-27].

### ***Claim Objections***

5. Claims 7-9, 13, 14, 17-24, 26-31, 33-37 and 39-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response Guidelines***

6. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

**6.1 Any response to the Examiner in regard to this non-final action should be**

**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, **or** the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to:** (571) 273-8300

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

Date: 27-May-2006



**RUSSELL FREJD  
PRIMARY EXAMINER**